

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 23, 2008

Charles R. Fulbruge III
Clerk

No. 08-30142
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

CARL PRATT

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:06-CV-1050
USDC No. 5:03-CR-50075

Before DAVIS, GARZA, and PRADO, Circuit Judges.

PER CURIAM:*

Carl Pratt, federal prisoner # 11902-035, appeals the district court's denial of his motion for release pending the disposition of his 28 U.S.C. § 2255 motion. Release pending disposition of a § 2255 motion will be granted only if (1) the petitioner has raised a substantial constitutional claim upon which he has a high probability of success, and (2) extraordinary or exceptional circumstances exist which make the grant of bail necessary to make the habeas remedy effective.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Calley v. Callaway, 496 F.2d 701, 702 (5th Cir.1974). Regardless of the merits of Pratt's claims, upon which the district court has not yet ruled, Pratt has not pointed to any "extraordinary or exceptional circumstances" which necessitate his release to make the post-conviction remedy effective. The district court did not err by denying Pratt's motion for release.

AFFIRMED.